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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,523	06/12/2002	Shogo Ishioka	020238	9379
38834	7590	09/22/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			LAIR, DONALD M	
			ART UNIT	PAPER NUMBER
			2858	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AP

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/069,523	ISHIOKA ET AL.	
	Examiner	Art Unit	
	Donald M. Lair	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 August 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishioka et al. (US-6,703,849).

4. In regards to Claims 1 and 9, Ishioka et al. disclose an inspection apparatus for inspecting a circuit wiring of a circuit board, said inspection apparatus comprising:

a conductive member adapted to be disposed on the side of one of the surfaces of said circuit board and to be supplied with an inspection signal (Fig. 2, element 12; Column 3, lines 51 – 57);  
means for supplying the inspection signal to said conductive member (Fig. 1, element 2);

a plurality of cells adapted to be disposed on the side of the other surface of said circuit board with opposing to said conductive member (Fig. 2, element 13; Column 4, lines 64-67); and means for acquiring each signal appearing at said cells in response to said inspection signal applied to said conductive member (Column 5, lines 18 – 20).

5. In regards to Claim 2, Ishioka et al. disclose the inspection apparatus described above, wherein said conductive member includes a surface formed in conformity with said one surface of said circuit board, and said cells are two-dimensionally arranged in conformity with said other surface of said circuit board (Column 4, lines 21 – 26).

6. In regards to Claim 3, Ishioka et al. disclose the inspection apparatus described above, wherein said conductive member has a flat plate shape (Figs. 1 and 2, element 11; Column 4, lines 32 and 33).

7. In regards to Claim 4, Ishioka et al. disclose the inspection apparatus described above, wherein said conductive member is composed of a plurality of conductive pieces (Figs. 1 and 2, element 11).

8. In regards to Claim 5, Ishioka et al. disclose the inspection apparatus described above, wherein said cells are arranged in a matrix form (Fig. 2, element 11; Column 4, lines 32 and 33).

9. In regards to Claim 6, Ishioka et al. disclose the inspection apparatus described above, which further includes:

means for generating image data representing the position and shape of said circuit wiring, according to the signals appearing at said cells and means for displaying the image (Column 5, lines 29 – 32).

10. In regards to Claim 7, Ishioka et al. disclose the inspection apparatus described above, which further includes storing means having thereon stored wiring data representing the position and shape of said circuit wiring (Column 7, lines 53 – 61).

11. In regards to Claim 8, Ishioka et al. disclose the inspection apparatus described above, which further includes:

storing means having thereon stored wiring data representing the position and shape of the circuit wiring (Column 7, lines 53 – 61);

means for detecting a disconnection, short-circuit or chipping in said circuit wiring, or a dust on said circuit board according to the signal appearing at said cells and said wiring data (Column 3, lines 55 – 57).

***Response to Arguments***

12. Applicant's arguments filed 08/05/04 have been fully considered but they are not persuasive.

13. The Applicant asserts that the Ishioka et al. (US-6,703,849) fails to teach the elements claimed in the present application. The Applicant has submitted a figure (Exhibit A) to illustrate the alleged differences between the prior art and the present invention. The Examiner agrees that the Figure provided accurately shows the differences between the two inventions, as described in the specification, but respectfully asserts that the Claim language does not describe the differences. Specifically, the language “with opposing to said conductive member” is not an accurate way to describe the differences and is substantially indefinite language. The Examiner submits that “with opposing to said conductive member” could be reasonably interpreted to

mean a multiplicity of different arrangements including, but certainly not limited to, both the arrangement in Exhibit A.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

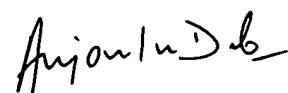
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald M. Lair whose telephone number is (571) 272-2232. The examiner can normally be reached on Monday - Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald M. Lair  
Patent Examiner  
Art Unit 2858  
September 17, 2004

  
ANJAN DEB  
PRIMARY EXAMINER